

The Honorable David G. Estudillo

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SMILES SERVICES LLC, et al.,

Plaintiffs,

v.

RAYMOND L. FRYE, et al.,

Defendants.

Case No. 3:23-cv-05392-DGE

ORDER GRANTING STIPULATED
MOTION FOR RELIEF FROM
DEADLINES ON PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER

This matter comes before the Court on the Parties' Stipulated Motion for Relief from Deadlines (Dkt. No. 17) on Plaintiffs' Motion for Temporary Restraining Order, Order to Show Cause, and Order Expediting Discovery (Dkt. No. 2, "TRO Motion"). The Court has reviewed the Motion and hereby GRANTS the Motion. Therefore, the briefing schedule related to Plaintiff's TRO Motion (Dkt. No. 2) is hereby modified as follows:

Deadline for Defendants' response to the TRO Motion:

Wednesday, May 17, 2023, 5:00 p.m.

Deadline for Plaintiffs' reply in support of TRO Motion:

Monday, May 22, 2023, 5:00 p.m.

Hearing on Motion:

Friday, May 26, 2023, 3:00 p.m.

ORDER GRANTING STIPULATED MOTION FOR RELIEF
FROM DEADLINES ON PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER

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2 And the Parties are ordered to abide by the following terms:

3 1. During the period between the date of this stipulation and final adjudication on
4 Plaintiffs' Motion, Defendants shall not use, disclose, or otherwise distribute any confidential or
5 trade secret information belonging to Plaintiffs. Within ten (10) days of this Order, the parties shall
6 cooperate to determine a mutually agreeable process by which Defendants will search for and return
7 Plaintiffs' property and information in their possession. After agreement or adjudication regarding
8 what, if any, information constitutes confidential or trade secret information belonging to Plaintiffs
9 the parties thereafter shall cooperate in ensuring secure deletion of information identified as
10 confidential or trade secret information belonging to Plaintiffs.

11 2. Nothing in this Order prohibits Defendants from operating the dentist clinics
12 currently operating in Tacoma and Silverdale, Washington.

13 3. Defendants will not solicit for care any of Plaintiffs' patients during the period
14 preceding the final adjudication on Plaintiffs' Motion.


15 4. Defendants will not solicit for employment or other services any of Plaintiffs'
16 employees, dentists, or independent contractors during the period preceding the final adjudication
17 on Plaintiffs' Motion. Nothing about the foregoing stipulation regarding employees shall be
18 construed as preventing the two employees (Devin Wenski and Laurie Molvar) who have already
19 terminated their employment with Plaintiffs as of the date of this Order from commencing work
20 with Defendants.

21 5. Defendants will instruct their agents, owners, and employees to abide by the terms
22 of this Order and will not aid or abet others to engage in activities on their behalf that violate the
23 terms of this Order.

24 6. Nothing in the foregoing shall be construed as a waiver of any substantive claim,
25 defense, or claim for damages in this case, and the agreement of the parties is solely for purposes
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1 of maintaining the *status quo* while ensuring adequate time for adjudication of Plaintiffs' Motion
2 on its merits and to engage in overall resolution discussions.
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5 Dated this 9th day of May, 2023.

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10 David G. Estudillo
11 United States District Judge
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ORDER GRANTING STIPULATED MOTION FOR RELIEF
FROM DEADLINES ON PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER

CERTIFICATE OF SERVICE

I am a resident of the State of Washington. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 705 2nd Avenue, Suite 1200, Seattle, Washington, 98104-1798. I hereby certify that on May 9, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiffs

Matthew R. Kelly, WSBA No. 48050
FOSTER GARVEY PC
1111 Third Avenue
Suite 3000
Seattle, WA 98101-3296
Tel: (206) 447-4400
Fax: (206) 447-9700
matthew.kelly@foster.com

Michele L. Jakobs, Ohio Bar No. 0071037
Ami J. Patel, Ohio Bar No. 78201
Admitted *pro hac vice*
ZASHIN & RICH CO. LPA
950 Main Avenue
4th Floor
Cleveland, OH 44116
Tel: (216) 696-4441
Fax: (216) 696-1618
mlj@zrlaw.com
ajp@zrlaw.com

I certify under penalty of perjury under the laws of the United States and of the State of Washington that the foregoing is true and correct.

Dated this 5th day of May 2023.

s/ Thomas P. Holt

Thomas P. Holt
tom@holt-legal.com
HOLT LEGAL, PLLC